



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,971	12/06/2001	David Green	22728-06523	2745

758 7590 02/10/2006

FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/006,971	Applicant(s) GREEN, DAVID	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 42-43 and 130 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims pending in the application are 1-8,10-19,21,23-45,47,48,51,52,55-62,64,67-71,73-81,83,87-110,112-119,121-130 and 134-170.

Continuation of Disposition of Claims: Claims allowed are 1-8,10-19,21,23-41, 44-45,47,48,51,52,55-62,64,67-71,73-81,83,87-110,112-119,121-129 and 134-170.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed April 25, 2005 have been fully considered but they are not persuasive.

In re page 23, applicant argues, with respect to claims 42-43, that support for these claims is found in the parent application, hence, obviating the basis of the rejection in view of Gurner; for example, page 8, line 5 through page 9, line 1.

In response, the examiner respectfully disagrees. Page 8, line 5 through page 9, line 1 of the parent application does not specifically disclose the claimed "wherein the keying the identified portion of the first video signal step further comprises the step of saturating a pre-determined color of the identified portion of the first video signal" of claim 42 and "wherein the keying the identified portion of the first video signal step further comprises the step of altering a luminance level of the identified portion of the first video signal" of claim 43. Thus, the parent application 08/399,013 does not provide support for claims 42-43.

In re page 23, applicant argues, with respect to claim 130, that support for claim 130 is also found in the parent specification, hence, also obviating the basis for the rejection to this claim in view of Gurner; for example, page 5, lines 14-18 and lines 31-33 describe external devices that can allow viewing of the video signal such as a monitor and a display, which are devices recited in claim 130.

In response, the examiner respectfully disagrees. The parent specification, page 5, lines 14-18 and lines 31-33 discloses a user monitor 14 and display 16. However,

Art Unit: 2616

page 5, lines 14-18 and 31-33 of the parent application does not specifically disclose the claimed "wherein the external device comprises one form a group consisting of a video monitor, a projector device, and a television" of claim 130. Thus, the parent application 08/399,013 does not specifically support the limitation of claim 130.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 42-43 and 130 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurner et al ('537) as set forth in the last Office Action.

Regarding claim 42, Gurner discloses a method of producing a video recording having a first video signal for use with mixing another video signal (Fig. 1) the method comprising:

capturing on a storage medium the first video signal from a first video source (col. 5, line 60 to col. 6, line 18 and col. 6, lines 59-67);

identifying a portion of the video signal for later overlay by a portion of an unkeyed second video signal from a second video source (col. 5, line 60 to col. 6, line 18 ad col. 6, lines 59-67);

keying the identified portion of the first video signal (col. 5, line 60 to col. 6, line 18 and col. 6, lines 59-67);

recording the captured and keyed first video signal on a recording medium (col. 5, line 60 to col. 6, line 18 and col. 6, lines 59-67); and

wherein the keying the identified portion of the first video signal step further comprises the step of altering a luminance level of the identified portion of the first video signal (col. 6, lines 6-17).

Regarding claim 43, Gurner et al discloses the claimed wherein the keying the identified portion of the first video signal step further comprises the step of altering a luminance level of the identified portion of the first video signal (col. 6, lines 6-17).

Regarding claim 130, Gurner et al discloses an apparatus (Fig. 1) configured to generate a synchronized video signal from a plurality of video signals, comprising:

an input means (source 12 of Fig. 1, col. 5, lines 51-59, col. 6, lines 50-58, and col. 8, lines 27-42) for receiving a first video signal from a means for storing and for receiving a second video signal from a means for capturing video, the first video signal including a keyed portion and a non-keyed portion; a mixing means (mixer 16 and audio mixer 34 of Fig. 1, col. 5, lines 51-59 and col. 8, lines 27-42) coupled with the input means for replacing either the keyed portion or the non-keyed portion with the second video signal for generating a synchronized video signal; an output means (video monitor 18 and speaker 36 of Fig. 1, col. 5, lines 51-59 and col. 8, lines 43-48) coupled with the mixing means for outputting the synchronized video signal to an output device; wherein the first video signal further comprises a prompting channel (col. 5, line 60 to col. 6, line

Art Unit: 2616

18 and col. 6, lines 59-67); wherein the means for mixing further comprises a means for extracting the control signals from the prompting channel for controlling an external device (col. 9, line 14 to col. 10, line 24); and wherein the external device comprises one form a group consisting of a video monitor, a projection device, and a television (col. 7, lines 26-32).

***Allowable Subject Matter***

4. Claims 1-8, 10-19, 21, 23-41, 44-45, 47-48, 51-52, 55-62, 64, 67-71, 73-81, 83, 85-110, 112-119, 121-129, and 134-170 are allowed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

Art Unit: 2616

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN  
PRIMARY EXAMINER